

ZONING MAP CHANGE REPORT

Meeting Date: June 4, 2012

Table A. Summary			
Application Summary			
Case Number	Z1100030	Jurisdiction	City
Applicant	Daniel R. Klausner, DKNC Ventures, LLC	Submittal Date	December 12, 2011
Reference Name	Live Well North Durham	Site Acreage	5.70
Location	3901 North Roxboro Street, bounded by Frasier Street on the north, Crabtree Avenue on the west, and Newsom Street on the south		
PIN(s)	0823-16-84-9356, -9152, -9122, -94-2247, -0101, -0171, -1161		
Request			
Proposed Zoning	Commercial Neighborhood with a development plan (CN(D)) and Office Institutional with a development plan (OI(D))	Proposal	Retail and office
Site Characteristics			
Development Tier	Suburban		
Land Use Designation	Office and Low-Medium Density Residential (4-8 DU/Ac.)		
Existing Zoning	Office Institutional (OI), Residential Suburban – 10 (RS-10), and Residential Urban – 5 (RU-5)		
Existing Use	Office, Single-family residential		
Overlay	F/J-B	Drainage Basin	Neuse
River Basin	Neuse	Stream Basin	Eno River
Determination/Recommendation/Comments			
Staff	Staff determines that, should the associated plan amendment be approved, this request would be consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.		
Planning Commission	Approval 11 – 1, on April 10, 2012. The Planning Commission finds that the ordinance request is not consistent with the adopted <i>Comprehensive Plan</i> . However, should the plan amendment be approved, the request would be consistent with the <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing, the information in the staff report, and additional commitments proffered by the applicant.		
DOST	None provided.		
BPAC	See Attachment 7.		

A. Summary

This is a request to change the zoning designation of seven parcels of land totaling 5.70 acres from OI, RS-10, and RU-5 to CN(D) (1.32 acres) and OI(D) (4.38 acres) for unspecified commercial and office development. The subject property is located at 3901 North Roxboro Street and is bounded by Frasier Street on the north, Crabtree Avenue on the west, and Newsom Street on the south (see Attachment 1, Context Map). This request is not consistent with the *Comprehensive Plan*, which designates this property as Office and Low – Medium Density Residential (4 – 8 DU/Ac.); however, plan amendment case A1100014 has been submitted to request the Commercial and Office designations consistent with the above-referenced requested zoning boundaries. The site areas between this zoning map change and the plan amendment differ because each case encompasses different geographies.

Appendix A provides supporting information.

B. Site History

There have been no recent zoning map change requests for this site.

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the CN and OI districts (Sec. 3.5.6.D and Sec. 6.10.1.B. In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

Graphic Commitments. Elements depicted on a development plan (including but not limited to labels and descriptive information) become commitments. A summary of graphic commitments (see Table D5, Summary of Development Plan) includes: location of stone wall along Newsom Street, and location of tree coverage areas as shown in the development plan (Attachment 4).

Text Commitments. Text commitments have been proffered to commit to requirements in excess of ordinance standards. A summary of these commitments (see Table D5, Summary of Development Plan) includes: limitation of CN(D) portion of the site to retail uses, installation of a bus shelter if accepted by DATA, dedication of right-of-way along North Roxboro Street and Frasier Street and road improvements on Newsom Street and Frasier Street.

Design Commitments. Nonresidential structures require design commitments accompanying a zoning map change when a development plan is included. As such, design commitments are required to be made for this site. The design commitments of this development specify architectural, roofline, and materials. See Table D5, Development Plan Summary, for these commitments.

Determination. The requested CN(D) and OI(D) zoning districts and associated development plan meets or exceeds the applicable requirements of the UDO. If this zoning map change request is approved, the attached development plan (Attachment 4) shall establish the level of development allowed on the property.

E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

Determination. The requested zoning districts and associated development plan are not consistent with the Future Land Use Map of the *Comprehensive Plan* (see Attachment 2). This site currently has a split designation of Office and Low-Medium Density Residential (4-8 DU/Ac.). A plan amendment (Case A1100014) to designate a portion of the site as Commercial and the remainder of the site as Office (removing the Low-Medium Density Residential (4 – 8 DU/Ac.) entirely) has been requested. Staff is recommending approval of the plan amendment.

Conditions in other adopted plans have been identified (see Appendix E, Table E):

Long Range Bicycle Plan Map 4.5. A proposed bicycle lane along North Roxboro Street is shown as a recommendation of the Long Range Bicycle Plan Map 4.5. If approved, this project is not required to construct road improvements along North Roxboro Street and therefore does not warrant improvements associated with the bicycle lane.

F. Site Conditions and Context

Site Conditions. This site consists of seven parcels and an unopened alley that totals 5.7 acres; and comprises one “block” with frontage on North Roxboro Street, Frasier Street, Newsom Street, and Crabtree Avenue. The largest parcel (3.306 acres) is zoned OI and is currently developed as a medical office. The remaining six parcels are developed as single-family residential (0.597 acres of RS-10 and 1.576 acres of RU-5). The site slopes approximately 16 feet from Crabtree Avenue on the west to North Roxboro Street on the

east. Trees line North Roxboro Street and are provided within vehicular use area of the medical office, and in the rear yards of the residential properties.

Area Characteristics. This site is in the Suburban Tier and in an area experiencing development pressure due to its proximity to Durham Regional Hospital, two major roadway arteries running north-south in the County (North Roxboro Street and North Duke Street), and undeveloped properties. Uses in the area include medical, office, and commercial uses. This site is adjacent to a residential neighborhood.

The site is within the F/J-B Watershed Protection Overlay.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. The proposed CN(D) and OI(D) districts meet the ordinance and policy requirements in relation to development site standards. This site is attractive to nonresidential developers due to its proximity to two major thoroughfares and the synergy created by the variety of health-care-related uses in the area. However, notwithstanding consistency with policies guiding growth in this area, redeveloping the residential properties that front on Newsom Street will change the existing residential character of the street that consists of residential uses that are similar in terms of use, size, scale, and building placement.

G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

Determination. The proposed CN(D) and OI(D) districts are consistent with *Comprehensive Plan* policies regarding infrastructure impacts.

In response to neighborhood concerns about traffic on Newsom Street, the applicant contacted the City of Durham Department of Transportation concerning installation of traffic calming devices (see Attachment 9, Newsom Street Traffic Calming Request (Z1100030). Transportation has reviewed the request and concludes that Newsom Street does not qualify for additional speed humps and additional four-way stops (at Newsom Street and Crabtree Avenue and Pendergrass Street) are not warranted based on the speed, volume, and accident history.

H. Staff Analysis

This request is not consistent with the Future Land Use Map of the *Comprehensive Plan*; however, is consistent with other applicable adopted plans and policies. Staff has identified the following concern:

Neighborhood Integrity. Changing the existing RU-5 portion of the site to OI and providing vehicular access to the subject site from Newsom Street could be a catalyst for development pressure on the adjacent residential properties.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Brian Kraynak, Bateman Civil Survey Company, PC	Ph: 919-577-1080	brian@batemancivilsurvey.com

J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Friends of Durham
- Unity in the Community for Progress
- Partners Against Crime – District 2

K. Summary of Planning Commission Meeting April 10, 2012 (Case Z1100030)

Zoning Map Change Request: RS-10, RU-5, OI to OI(D), CN(D)

Staff Report: Ms. Jacobson and Mr. Whiteman presented the staff report.

Public Hearing: Chair Brown opened the public hearing. One person spoke in favor and none spoke against. Chair Brown closed the public hearing.

Commission Discussion: Commission discussion centered on traffic, site access, and permitted uses.

Motion: Approval of the plan amendment (Mr. Smudski, Ms. Board 2nd)

Action: Motion carried 11-1 (Winders voting no).

Motion: Approval of the zoning map change with additional commitments (Mr. Smudski, Ms. Mitchell-Allen 2nd)

Action: Motion carried 11-1 (Winders voting no).

Findings: The Planning Commission finds that the ordinance request is not consistent with the adopted *Comprehensive Plan*. However, should the plan amendment be approved, the request would be consistent with the *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing, the information in the staff report, and additional commitments proffered by the applicant.

L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: <ol style="list-style-type: none"> 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Development Plan Reduction 5. Application 6. Owner's Acknowledgement 7. Bicycle & Pedestrian Advisory Commission Memo 8. Submittal and Review History
Appendix B	Site History	n/a
Appendix C	Review Requirements	n/a
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: Summary of Development Plan
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Attachments: <ol style="list-style-type: none"> 9. Newsom Street Traffic Calming Request (Z1100030) Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts

Table K. Supporting Information		
		Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	n/a
Appendix I	Contacts	n/a
Appendix J	Notification	n/a
Appendix K	Summary of Planning Commission Meeting	Attachments: 10. Planning Commissioner's Written Comments 11. Ordinance Form

Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Development Plan Reduction
5. Application
6. Owner's Acknowledgement
7. Submittal and Review History
8. Bicycle and Pedestrian Advisory Commission Memo

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
CN	Commercial Neighborhood (CN) – the CN district is established to provide for modest-scale commercial centers in close proximity to residential areas that offer limited commercial uses to satisfy the needs of the surrounding neighborhood; each lot is limited to 20,000 square feet of project floor area. While CN is a commercial district, other uses such as residential and office may also be allowed.
OI	Office and Institutional (OI) – the OI district is established for employment and community service activities of moderate to high intensity. While OI is an office district, other uses such as residential and limited commercial, veterinary clinic, studio or gallery, or hotels may also be allowed.
D	Development Plan – the letter “D” following a zoning district indicates that a development plan has been included with a zoning map change request. This designation may be added to any zoning map change request to signify that a conceptual representation of the proposed site has been submitted that indicates how the proposed development could meet ordinance standards. Any significant change to the development plan would require a new zoning petition.
F/J-B	<p>Falls/Jordan District B Watershed Protection Overlay: The purpose this overlay district is to preserve the quality of the region's drinking water supplies through application of the development standards intended to protect the environment. In general, water supply protection will be accomplished by establishing and maintaining low intensity land use and development on land near the region's water supply rivers and reservoirs. Where high density development is desired, water supply protection will be accomplished through the use of engineered stormwater controls. The overall objective is to:</p> <ul style="list-style-type: none"> • Reduce the risk of pollution from stormwater running off of paved and other impervious surfaces; and • Reduce the risk of discharges of hazardous and toxic materials into the natural drainage system tributary to drinking water supplies.

Table D2. District Requirements			
Table D2.1: Commercial Neighborhood (CN)			
	Code Provision	Required	Proposed
Minimum Site Area (square feet)	6.10.1.B.1	5,000	57,499
Maximum Project Floor Area (square feet)	6.10.1.B.1	20,000	12,000 (committed)
Minimum Lot Width (feet)	6.10.1.B.1	50	223
Minimum Street Yard (feet)	6.10.1.B.1	25	25

Table D2. District Requirements			
Minimum Side Yard (feet)	6.10.1.B.1	15	15
Minimum Rear Yard (feet)	6.10.1.B.1	25	25
Maximum Building Coverage (%)	6.10.1.B.1	60	60
Maximum Height (feet)	6.10.1.B.1	35	35
Table D2.2: Office Institutional (OI)			
	Code Provision	Required	Proposed
Minimum Site Area (square feet)	6.10.1.B.1	20,000	190,792
Minimum Lot Width (feet)	6.10.1.B.1	60	178
Minimum Street Yard (feet)	6.10.1.B.1	25	25
Minimum Side Yard (feet)	6.10.1.B.1	20	20
Minimum Rear Yard (feet)	6.10.1.B.1	25	25
Maximum Building Coverage (%)	6.10.1.B.1	60	60
Maximum Height (feet)	6.10.1.B.1	50	50

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Proposed
Tree Coverage (%)	8.3.1C	13 (0.72 acres)	13 (0.72 acres)
Maximum Impervious Surface (%)	8.7.2B	70	70
Stream Protection (buffer in feet)	8.5.4.B	No streams on site	n/a

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	OI	0.0/0.0	n/a
East	OI(D)	0.0/0.0	n/a
South	OI	0.0/0.0	n/a
	RU-5	0.4/0.6	0.6 (30 feet)
West	OI(D)	0.0/0.0	n/a
	RU-5	0.4/0.6	0.6 (30 feet)

Table D5. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	Intensity/Density. 49,000 square feet (CN: 12,000 square feet, OI: 37,000 square feet)	DP-3
	Building/Parking Envelope is appropriately identified	DP-3
	Project Boundary Buffers. Appropriately identified.	DP-3
	Stream Crossing. Not applicable	n/a
	Access Points. Two site access points have been identified.	DP-3
	Dedications and Reservations. None proposed.	n/a
	Impervious Area. 70% = 3.857 acres	DP-3
	Environmental Features. None identified	n/a
	Areas for Preservation. There were no conditions identified that require preservation.	n/a
	Tree Coverage. 13% = 0.72 acres	DP-3
Graphic Commitments <i>(italicized text proffered at the Planning Commission hearing)</i>	<ul style="list-style-type: none"> • Location of tree coverage areas • <i>Location of stone wall along Newsom Street</i> 	DP-3
Text Commitments <i>(italicized text proffered at the Planning Commission hearing)</i>	<ul style="list-style-type: none"> • <i>The uses in the CN(D) zoning district shall be limited to retail.</i> <p>Prior to the issuance of any building permit:</p> <ol style="list-style-type: none"> 1. Dedicate 10 feet of additional right-of-way for the frontage of the site along North Roxboro Street. 2. Dedicate additional right-of-way for the frontage of the site along Frasier Street to provide a minimum of 10 feet of right-of-way as measured from the back of curb. <p>Prior to the issuance of any certificate of occupancy:</p> <ol style="list-style-type: none"> 1. Construct one half of a City of Durham standard cross-section on the north side of Newsom Street from North Roxboro Street to Crabtree Avenue. 2. Install pavement markings on Frasier Street to provide a two-way left-turn between the site drive and the existing exclusive eastbound left-turn lane at North Roxboro Street. 3. <i>Install a minimum 225 linear feet of stone (cultured or natural) screen walls similar to the stone proposed on the existing office building measured along the length of the right-of-way shown on DP-3. The walls shall be a minimum of 3 feet high measured from the adjacent sidewalk.</i> 4. <i>If accepted by DATA, relocate the bus stop to the north side of Newsom Street and install a bus shelter in the southeast</i> 	Cover

Table D5. Summary of Development Plan		
	<i>corner of the site along the required sidewalk adjacent to the Roxboro Road right-of-way.</i>	
SIA Commitments	None provided.	n/a
Design Commitments (summary)	New buildings will be a traditional architectural style and have flat roofs with stepped parapets roofline. The commercial building will have sloped metal canopies and building facades will include face brick masonry veneer, stucco (EIFS) decorative accents, aluminum storefront system or pre-finished standing seam metal canopy. Distinctive architectural features include masonry pilasters, decorative stucco wall paneling, parapet cornice, or sloped metal canopies. Buildings are limited to one story in height.	Cover

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
Comprehensive Plan	
Policy	Requirement
Future Land Use Map	Office and Low-Medium Density Residential (4 – 8 DU/Ac.)
2.2.4a	Demand for Office Land
2.2.5a	Demand for Commercial Land
2.2.5b	Spacing of Commercial Development
8.1.2m	Transportation Level of Service
8.1.4.d	Development Review and the Adopted Regional Bicycle Plan
9.4.1a, b, c	Water Quantity and Quality Level of Service
11.1.1a	School Level of Service
Long Range Bicycle Plan	
Map 4.5 shows a proposed bicycle lane along North Roxboro Street.	

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Medical office, commercial	OI	F/J-B
East	Bank, fast food restaurants	OI(D), CG(D)	F/J-B
South	Commercial, single-family residential, vacant residential	OI, RU-5	F/J-B
West	Medical office, single-family residential	OI(D), RU-5	F/J-B

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
North Roxboro Street and West Carver Street are the major roads impacted by the proposed zoning change. There are no scheduled City of Durham or NCDOT roadway improvement projects in the area.		
Affected Segments	West Carver Street	North Roxboro Street
Current Roadway Capacity (LOS D) (ADT)	11,900	31,500
Latest Traffic Volume (AADT)	10,000	18,000
Traffic Generated by Present Designation (average 24 hour)*	1,133	
Traffic Generated by Proposed Designation (average 24 hour)**	5,244	
Impact of Proposed Designation	+4,111	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2009)

North Roxboro Street: 4-lane undivided Class II Arterial with left-turn lanes

West Carver Street: 2-lane City/County Roadway without left-turn lanes

Source of Latest Traffic Volume: 2009 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) – RS-10: two single-family units; RU-5: 13 single-family units; and OI: 27,361 square foot medical office (0.19 FAR).

**Assumption- (Max Use of Existing Zoning) – 25,000 square foot medical office and a convenience store with eight fueling positions. The existing land-uses generate approximately 91 p.m. peak-hour trips. The net increase of 147 p.m. peak-hour trips remains below the TIA threshold of 150 peak-hour trips.

Attachments:

9. Newsom Street Traffic Calming Request (Z1100030)

Table G2. Transit Impacts
Transit service is adjacent to the site along North Roxboro Street via DATA Route 4.

Table G3. Utility Impacts
This site will be served by City water and sewer.

Table G4. Drainage/Stormwater Impacts
The impacts of any change will be assessed at the time of site plan review.

Table G5. School Impacts			
The proposed zoning is not estimated to generate any students. This represents a decrease of two students over the maximum potential (if developed with the current zone) projected for the proposed development. Durham Public Schools serving the site are Glenn Elementary School, Carrington Middle School, and Riverside High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	15,864	8,647	9,916
Maximum Building Capacity (110% of Building Capacity)	17,450	9,512	10,908
20th Day Attendance (2011-12 School Year)	15,827	7,008	9,689
Committed to Date (January 2009–December 2011)	402	132	92
Available Capacity	1,221	2,372	1,130
Potential Students Generated – Current Zoning*	6	2	3
Potential Students Generated – Proposed Zoning**	5	2	2
Impact of Proposed Zoning	-1	0	-1

***Assumption-** (Max Use of Existing Zoning) –OI: 34 apartment units; RU-5: 11 single-family units; RS-10: one single-family unit

** **Assumption-** (Max Use of Proposed Zoning) – CN (D) and OI(D): no residential permitted

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 4,275 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 367 GPD increase over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	27.54 MGD
Approved Zoning Map Changes (January 2009 – December 2011)	0.72 MGD
Available Capacity	8.74 MGD
Estimated Water Demand Under Present Zoning*	3,908 GPD
Potential Water Demand Under Proposed Zoning**	4,275 GPD
Potential Impact of Zoning Map Change	+367

Notes: MGD = Million gallons per day

***Assumption-** (Max Use of Existing Zoning) –OI: 27,316 square feet office uses; RU-5: 11 single family units, RS-10: one single-family unit

** **Assumption-** (Max Use of Proposed Zoning) –CN: 12,000 square feet of commercial, OI: 37,000 square feet of office

Appendix K: Summary of Planning Commission

Attachments:

10. Planning Commissioner's Written Comments
11. Ordinance Form